IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No.590 of 2007.

Date of Decision: 23.7.2007

Babita Thakur … Petitioner

Versus

State of H P & anr. … Respondents.

Coram:

The Hon'ble Mr. Justice Deepak Gupta, Judge.

The Hon'ble Mr. V.K.Ahuja, Judge.

Whether approved for reporting?

For the Petitioner(s) : Mr. Amandeep Mehta, Advocate.

For the Respondent(s) : Mr. M.S.Chandel, Advocate General with Mr. R.M.Bisht, Dy. Advocate General, for respondent No.1.
Mr. Lovneesh Kanwar, Advocate for Respondent No.2.

Deepak Gupta, J (Oral).

By means of this writ petition, the petitioner has prayed that the result for the JBT entrance test declared by the respondents on 23.9.2006 may be quashed and set aside. Petitioner has also prayed that the respondents be directed to disclose the marks secured by her and other selected candidates.

We had directed the respondents to produce the record of the case. We have perused the record of the case and we find that that the petitioner has obtained 57.50 marks and ranks much

lower than the selected candidates. There were 49 seats in all in the General Category and the rank of the petitioner in the General Category is 86. We have also gone through the marks of the candidates given by the Interview committee and find that the petitioner has been awarded fairly high marks for knowledge of local customs as well as viva voce. She has been awarded 2 marks out of 2 marks for knowledge of customs of H.P. and 2.5 marks for the viva voce out of 3 marks. Therefore out of 5 marks which were at the discretion of the interview committee, she has obtained 4.5 marks.

Confronted with this position, Mr. Amandeep Mehta, learned counsel for the petitioner has submitted that the petitioner has represented Himachal Pradesh in the N.C.C. camp at the National level and she should have been awarded 3 marks for exra-curricular activities. It is obvious that the petitioner was aware that the marks were to be awarded for extra-curricular activities. The petitioner, in para 7 of her petition has clearly stated that she had received a letter from the Deputy Director of Elementary Education, District Solan, asking her to appear in the personal interview on 24.7.2006 and the petitioner was directed to bring her 10 + 2 certificates, sports certificates or other certificates of extra-curricular activities etc. There is not even a whisper in the petition or in any other communication addressed by the petitioner that she in fact had produced such documents before the interview committee. In the absence of any such averments, the oral submission of Mr. Amandeep Mehta that she might have produced the certificates cannot be accepted.

We find that the selection has been done in a proper manner and the petitioner is much lower in the merit and, therefore, there is no merit in the petition which is rejected.

(Deepak Gupta), J.

July 23, 2007. (V.K.Ahuja), J.

s.